IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29958 of 2007(N)

PETITIONER:

MRS.VALSA THOMAS,AGED 76,W/O.T.K.THOMAS
THENGANAKUZHY, THOTTAKKAT P.O.,KOTTAYAM.

BY ADV. SRI.P.N.RAMAKRISHNAN NAIR
SRI.P.VISWANATHAN

RESPONDENTS:
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1. **THE DISTRICT COLELCTOR,ERNAKULAM.**

2. **THE TAHSILDAR, KANAYANNUR TALUK, ERNAKULAM.**

3. **THE VILLAGE OFFICER, KAKKANAD VILLAGE.**

4. **DR. REMANI.E.PAUL AGED 70 YEARS, W/O.MAJOR PAUL.M.SAMUEL, ASHIRWAD SHALO, COONOOR-2, NILGIRIS.**

5. **MRS.MARIAMMA MATHEW, AGED 68, W/O. LATE M.V.MATHEW, PULLIATTU THUKALAN, CHERUPARAMBATH ROAD, KOCHI-20.**

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 29958 OF 2007 N
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Dated this the 16th day of October, 2007

J U D G M E N T

The complaint of the petitioner is that her application for mutation in respect of the land which she has succeeded from her mother is not effected. From Ext.P4, it can be seen that the mutation of the land in question was effected in favour of her mother and Ext.P5 is the receipt acknowledging tax. On the death of the mother, there was a partition in the family and it is on that basis petitioner sought mutation.

2. Earlier, when it was declined to be done, petitioner had filed an Original Petition in this court as OP 9217/1997. That original petition was disposed of by Ext.P7 judgment with the following directions.

i) The petitioners shall within two weeks from today present Ext.P6 with necessary documents to the third respondent.

ii) The third respondent on presenting Ext.P6 with necessary documents shall receive the same.

iii) The third respondent shall thereupon conduct an enquiry regarding ownership of the land with notice to the parties concerned and obtain a report from the concerned Village Officer or the Revenue Inspector.

iv) on the basis of the evidence collected by him and the matters produced before him, he shall pass appropriate orders at

any rate within three months from the date of presentation of Ext.P6.

3. It is submitted that in pursuance thereof, petitioner resubmitted the application-Ext.P8 and thereafter submitted Ext.P10 representation also. According to the petitioner, even now mutation is declined to be effected on the ground that there was an appeal suit pending in respect of the property in question. Learned counsel points out that appeal suit that is stated as the reason for rejection has also been decided in favour of the petitioner and Ext.P9 is the judgment that is rendered in the appeal. In view of Ext.P9 judgment of the appellate court, there should be no further impediment in considering Ext.P8 application for mutation.

4. Now that the position is as above, I dispose of this writ petition directing the 2nd respondent to take up and consider Ext.P8 as directed by this court in Ext.P7 judgment and pass orders thereon, as expeditiously as possible, at any rate within six weeks of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC, JUDGE.

Rp